



**EMBASSY OF THE
UNITED STATES OF AMERICA**

ROME, June 6, 1936

No. 1732

Subject: Administration of Justice in Ethiopia.

LEGAL ADVISER

JUL 29 1954

DIVISION OF DEPARTMENT OF STATE
EUROPEAN AFFAIRS

JUN 25 1936

DEPARTMENT OF STATE

DEPARTMENT OF STATE

~~JUL 2~~ 1936

DIVISION OF EASTERN AFFAIRS

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F.P. ET AL.

JUL 8 1936

The Honorable

JUN 30 1938

The Secretary of State,

Washington.

Sir :

With reference to my despatch No. 1710 of May 29th
(page 8) and my telegram No. 188 of June 2nd regarding the
administration of Ethiopia, I have the honor to inform the
Department that the press announces a decree issued by
Marshall Graziani governing the administration of justice
in Ethiopia. The text of the decree has not been published
here.

According to the summary appearing in Italian newspapers, the main provisions are as follows:

(1) Italian laws and judiciary procedure prevail for Italian citizens.

(2) Foreigners are considered as having the same rights and duties before the law as Italians.

(3)

(3) Eritrean, Somali, and Libyan subjects are in civil matters subject to the jurisdiction, in the first instance, of a chief or notable who is an Italian colonial subject, and in the second instance of the Civil Governor of Addis Ababa. The special court for such subjects is based on the principle of guaranteeing them their traditional system of law and not subjecting them to the traditional courts established for typically Ethiopian subjects.

(4) Justice for Ethiopian subjects is administered in the first instance by the district "dagna" in accordance with local custom. In second instance recourse may be had to the "wamber" (a chief of various districts), with final appeal to the Governor of Addis Ababa.

(5) For Moslem Ethiopians personal, family or inheritance disputes are handled first by the "khadi" and then by the "shiaratic college" composed of kabyles and four ulemas. In civil controversies the "dagna" courts have jurisdiction also over Mohammedans.

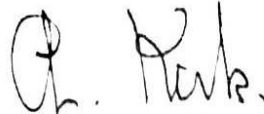
(6) Civil cases involving white subjects having Ethiopian citizenship or in any manner on a footing with natives are tried by the Governor of Addis Ababa.

The decree designates the courts of the various types mentioned and appoints judges and establishes their emoluments.

(7) For criminal offenses, both Italians and foreigners are tried by Italian magistrates in accordance with Italian laws and procedure; they may have recourse to the Rome court of appeals. Colonial and Ethiopian subjects are tried by the Governor of Addis Ababa and, for more serious crimes, by the Tribunal of the Governorship functioning as a Court of Assize and composed of the Governor, two honorary judges, and several notables having a consultive vote.

The press reports that Graziani has received the district chiefs and judges appointed under the above decree to explain the Government's orders and their duties. The decree itself was communicated throughout the territory by leaflets dropped from the air.

Respectfully yours,

A handwritten signature in dark ink, appearing to read 'A. Kirk'.

Alexander Kirk
Chargé d'Affaires ad interim.

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NOTE

SEE 865d.01/132 FOR despatch #1743

FROM Italy (Kirk) DATED June 17, 1936
TO NAME 1-1127 ...

REGARDING: Administration of Justice - Italian East Africa.

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NOTE

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SEE 865d.01/149 FOR #1776

FROM Italy (Kirk) DATED July 9, 1936
TO NAME 1-1127 ...

REGARDING:

Council of Ministers approved the draft of a decree for establishment of courts of justice in Addis Ababa and Harrar, and Court of Appeals in Addis Ababa with jurisdiction over all of Italian East Africa.

Justice.

The Italian press reports that only 36 crimes were committed in Addis Ababa during June 1936, as compared with 297 in June 1935; 273 in June 1934; and 304 in June 1933.

The first penal session of the Court for Natives in Addis Ababa was held on June 26th. An Italian magistrate, Signor Della Porta, presided, assisted by the former President of the Abyssinian Special Court, Blata Haile Ghehi.

According

According to news despatches three cases were tried.

"The first was a thief guilty of petty larceny, but being a second offender expected to have his left hand cut off in conformity with the savage barbarian laws of Abyssinia. He was a little man with large, bovine eyes in an enormous head, son of an inferior race. During the hearing he continually caressed his pulse which he held against his breast in a supplicating attitude. From the beginning his eyes were full of tears, but he did not protest, for he felt his fate was sealed. When the interpreter translated the sentence of only four months' imprisonment, and informed him that all the savage punishments had been abolished by the Italian Government, his astonishment mingled with joy, was undescribable.....

"The second case, for abuse of confidence, resulted in an acquittal through lack of proof. The third and last case of this first session, involved a complicated question of women. A young negro had seduced and abducted a young girl, and her family had denounced him. Formerly the judge allowed the family of the girl to execute justice, and the romance would end in the mutilation of the guilty party. Italian justice, with great humanness, brought the two parties on the path of conciliation....."

The Council of Ministers on July 4th approved the draft of a decree for the establishment of courts of justice in Addis Ababa and Harrar, and a Court of Appeals in Addis Ababa with jurisdiction over all of Italian East Africa.

A commission composed of the President of the Court of Appeals at Rome and two other magistrates will shortly visit Ethiopia for the purpose of studying new judicial regulations for the country.

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NOTE

SEE 865d.01/171 FOR Despatch #1889

FROM Italy (Kirk) DATED Sept. 16, 1936
TO _____ NAME _____ 1-1127 270

REGARDING: Judicial branch of Government- Italian East Africa.
The press reports that the Civil Court of Addis Ababa
was inaugurated on September 7th in the presence of
all the magistrates and lawyers residing in the Ethiopian
capital.

865D.04/4

Justice.

The press reports that the Civil Court of Addis Ababa was inaugurated on September 7 in the presence of all the magistrates and lawyers residing in the Ethiopian capital. At the opening ceremonies the Public Prosecutor, Commendatore Magi, after thanking the Justices for their cooperation in organizing the judicial system, declared that the administration of justice was one of the highest affirmations of sovereignty in a conquered and annexed country, that only backward peoples would submit to the shame of mixed courts and the system of capitulations, and that "as soon as they reached a greater degree of civilization they struggled desperately to free themselves from these primitive and mortifying forms which were in force during the Empire of the Negus." Telegrams of greeting were then sent to the Viceroy, Marshals De Bono, and Badoglio, and the members of the Military Court. The magistrates donned their robes and the lawyers their black shirts, and the

Civil

Civil Court, under the presidency of Commendatore Mancinelli, was declared formally opened. This court will try cases between Europeans and between Europeans and natives. Cases in which only natives are involved will be tried by a special court for natives, composed of colonial officials.

Labor.

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NOTE

SEE 865d.01/176 FOR Despatch #18

FROM Italy (Phillips) DATED Sept. 30, 1936

TO NAME 1-1127 o.p.

REGARDING: Judicial Branch of Government- Italian East Africa.
Press report that Court for Natives at Addis Ababa had decided up to September 21st, 304 cases and completed 21 Court of Assizes cases.

Justice.

The press under Addis Ababa date line of September 21 reported that the Court for Natives at Addis Ababa up to then had decided 304 cases involving crimes and misdemeanors and had completed 21 Court of Assizes cases. The Court of Conciliation at Addis Ababa, it declared, had conciliated 240 disputes involving injuries, debts, and contracts. It added that the judicial authorities were engaged in determining with complete impartiality damages suffered by natives during the sack of the Ethiopian capital and the first period of the Italian occupation.

Finance..

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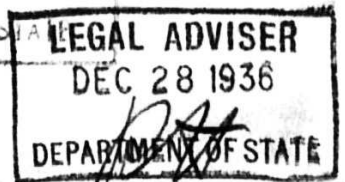
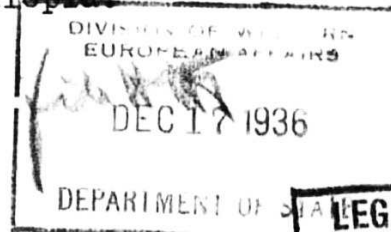


EMBASSY OF THE
UNITED STATES OF AMERICA

ROME, December 1, 1936.

No. 103

Subject: Judicial System of Ethiopia



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DEPARTMENT OF STATE

1936 DEC 16 PM 12 38

DIVISION OF
COMMUNICATIONS
AND RECORDS

Copy to Addis Ababa

865D.04/6

The Honorable

The Secretary of State,

Washington.

Sir:

With reference to the Embassy's despatch No.

1743 of June 17, 1936, regarding the fundamental law No. 1019 of June 1, 1936, on the organization and administration of Ethiopia, I have the honor to inform the Department that by Royal Decree No. 2010 of August 21, 1936, published in the Official Gazette of November 27, 1936, the Italian Government established a Court of Appeals at Addis Ababa, with jurisdiction over Italian East Africa, and Courts of Assizes and civil and penal Tribunals at Addis Ababa and Harrar,

with



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with jurisdiction over the territory of those Governments.

An English translation of the above-mentioned Royal Decree, which is effective as of October 28, 1936, is transmitted herewith.

Respectfully yours,



William Phillips



Enclosure:
English Translation of
Royal Decree

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Enclosure No. 1, Despatch No. 103, December 1, 1936,
American Embassy, Rome.

(Official Gazette of November 27, 1936)

Translation

Royal Decree-law No. 2010 of August 21, 1936.

Institution of Judicial Organs in Italian East Africa.

Victor Emmanuel III

By the Grace of God and the Will of the Nation

King of Italy

Emperor of Ethiopia

In view of Royal Decree-law No. 1019 of June 1, 1936
XIV regarding the organic organization of Italian East Africa;

Considering the necessity of providing for the judicial
organization of Italian East Africa in partial modification
of the regulations in force;

Having heard the opinion of the Superior Colonial Council;

Having heard the Council of Ministers;

At the instance of the Minister Secretary of State for
Colonies, in agreement with the Ministers Secretary of State
for Grace and Justice, and for Finance;

We have decreed and do decree:

Article 1. There is instituted in Addis Ababa a Court
of Appeals with jurisdiction over Italian East Africa, composed
of a president and at least two judges of appeals.

Article 2. In the Court of Appeals there will be located
an office of the representative of the public prosecutor with a
chief of office and a substitute.

Article 3. The Court of Appeals, both in civil as well as
criminal matters, will make its decisions in plenum, composed

of the

of the president and two judges of appeals.

Article 4. The Court of Appeals of Addis Ababa will have jurisdiction over all matters which, according to the regulations in force with regard to Italian East Africa, come under the jurisdiction of the Court of Appeals of Rome.

Article 5. In Addis Ababa and Harrar there are constituted Courts of Assizes with jurisdiction over the territories of the Governments of Addis Ababa and Harrar respectively.

The Court of Assizes is composed of a judge of appeals, delegated by the President of the Court of Appeals, who presides, and four assessors who are chosen and judge in conformity with the judicial regulations in force.

The functions of the public prosecutor are exercised by the Chief of the office of the public prosecutor at the Court of Appeals or by a magistrate of the public prosecutor designated by him.

Article 6. In Addis Ababa and Harrar are instituted civil and penal Tribunals with jurisdiction over the territories of the Governments of Addis Ababa and Harrar respectively.

The Tribunal is composed of a President and at least three judges.

The functions of public prosecutor will be exercised by a magistrate at each Tribunal.

Article 7. At the Court of Appeals and at each Tribunal there is instituted an office of chancery composed, according to exigencies, of one or more officials belonging to the chancery service and judicial secretaries of the Kingdom. To each office of public prosecutor there will be attached one or more secretaries belonging to the aforesaid service.

Article 8.

Article 8. The Tribunal, in civil as well as penal matters, will judge in plenum, composed of the President and two judges.

Article 9. One of the judges, by decree of the Governor on the proposal of the President of the Tribunal and the representative of the public prosecutor, will be given the functions of pretor (pretore).

Article 10. The functions of a "juge d'instruction" under the jurisdiction of the Tribunal and the Court of Assizes will be exercised by the respective representatives of the public prosecutor.

In the cases of the Court of Appeals, the functions which in the Kingdom are under the jurisdiction of the Sezione Istrutoria are exercised by the President of the said Court.

Article 11. The President and the judges of the Court of Appeals, the President and the judges of the Tribunal, the chief of the office of the public prosecutor at the Court of Appeals, the substitute and the representatives of the public prosecutor at the Tribunal, are appointed by Royal Decree on the proposal of the Minister of Colonies in agreement with the Minister of Grace and Justice from the magistrates belonging to the bench of the Kingdom.

Article 12. With reference to civil and commercial matters ~~there~~ are referred:

a) to the jurisdiction of the Tribunal all disputes, which, according to regulations in force, are under the judge of the Colony provided they amount to more than five thousand lire;

b) to the jurisdiction of the pretor disputes

involving

involving more than one thousand lire up to five thousand lire.

c) to the jurisdiction of the resident and the conciliator disputes up to one thousand lire.

Article 13. In penal matters the jurisdiction of the Court of Assizes, of the Tribunal, and of the Pretor, is determined in accordance with the regulations of the Code of Penal Procedure, with the exception of the colonial judicial regulations in force.

Article 14. All cases being tried before the Court of Appeals of Rome at the time the present decree goes into force, regarding the territory of Italian East Africa, will be finished by the aforesaid Court, with the exception of cases on civil questions when the parties have agreed to refer them to the Court of Appeals of Addis Ababa.

Article 15. The present decree has effect from October 28, 1936-XIV.

By subsequent decrees of the Minister for Colonies, to be issued in agreement with the Ministers for Grace and Justice and Finance, regulations for the organization may be made, after hearing the Superior Colonial Council.

We order that the present decree, sealed with the Seal of State, be placed in the official collection of laws and decrees of the Kingdom of Italy and command that it be observed and caused to be observed by all concerned.

Given at Sant'Anna di Valdieri on August 21, 1936-Year XIV

Victor Emmanuel

Mussolini Lessona Solmi Di Revel

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NOTE

SEE 865d.01/224 FOR Despatch #105

FROM Italy (Phillips) DATED Dec. 2, 1936
TO NAME 1-1127

REGARDING: Establishment by Royal Decree No. 2010 of August 21, 1936
of a Court of Appeals at Addis Ababa.

Justice.

By Royal Decree No. 2010 of August 21, 1936,
published in the Official Gazette of November 27, 1936,
the Italian Government established a Court of Appeals
at Addis Ababa with jurisdiction over Italian East
Africa, and Courts of Assizes and civil and penal Tri-
bunals at Addis Ababa and Harrar with jurisdiction
over the territory of those Governments. (Embassy's
despatch No. 103 of December 1, 1936).

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Central File: Decimal File 865D.04, Internal Affairs Of States, Italian East Africa, Judicial Branch Of Government., June 6, 1936 - December 2, 1936. June 6 - December 2, 1936. MS European Colonialism in the Early 20th Century. National Archives (United States). Archives Unbound, link.gale.com%2Fapps%2Fdoc%2FSC5109730796%2FGDSC%3Fu%3Domni%26sid%3Dbookmark-GDSC. Accessed 18 June 2025.